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as being anticipated by Zhou et al. (U.S. 2002/0123538A1).

Claim 1 is directed to an article comprising an ultrasonically bonded laminated structure. The laminated structure comprises a first material, a second material, and an adhesive composition. The adhesive composition comprises an atactic polymer and an isotactic polymer. The atactic polymer has a degree of crystallinity of less than about 20% and a number-average molecular weight of from about 1,000 to about 300,000. The isotactic polymer has a degree of crystallinity of at least about 40% and a number-average molecular weight of from about 3,000 to about 200,000. The first material and the second material are dissimilar or non-bondable materials and are ultrasonically bonded together. As defined in paragraph 23 of the instant specification, the term "dissimilar" means that the materials have melting temperatures that vary by more than about 40°F, and have dissimilar molecular structures such that upon ultrasonic bonding, the materials are not brought together as one material and typically have macro-phase separation.

Zhou et al. ('538) disclose adhesive compositions comprising selected ratios of crystalline and amorphous polymers. Specifically, one adhesive composition of the invention comprises an atactic polymer having a degree of crystallinity of about 20% or less and a number-average molecular weight of from about 1,000 to about 300,000, and an isotactic polymer having a degree of crystallinity of about 40% or more and a number-average molecular weight of from about 3,000 to about 200,000. One preferred adhesive composition blends a selected amount of isotactic polypropylene with a selected amount of atactic polypropylene.

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The '538 reference also discloses methods of making laminated structures and disposable absorbent articles employing the adhesive composition. The laminated structures comprise a first layer and a second layer, wherein at least a portion of the first layer is attached to at least a portion of the second layer using an adhesive composition. The first layer, second layer, or both may comprise a variety of materials including a nonwoven, a film, a woven material, an elasticized component, or a substrate comprising cellulosic material, thermoplastic material, or both. Examples of materials or webs bonded together by the adhesive to form the laminated structures of '538 include necked-bonded laminates (NBL)<sup>1</sup>, polypropylene, spunbonded layers, stretched-bonded laminates (SBL)<sup>2</sup>, and an outer cover comprising a polyethylene layer and a polypropylene, spunbonded layer.<sup>3</sup> Additionally, the '538 reference discloses that the resulting laminated materials may be exposed to ultrasonic energy.

The '538 reference, however, fails to disclose a laminated structure comprising an adhesive, a first material and a second material wherein the first and second materials are dissimilar or non-bondable materials that are ultrasonically bonded together. These are requirements of claim 1 and are significant aspects of Applicants' invention. While the '538 reference does

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<sup>1</sup> As defined in '538, a necked-bonded laminate substrate (NBL) generally comprises a polyethylene layer sandwiched between two polypropylene, spunbonded layers. Paragraph 59.

<sup>2</sup> As defined in '538, a stretch-bonded laminate (SBL) generally comprises an elongated elastic web or elastomeric strands bonded between two spunbonded layers. Paragraph 130.

<sup>3</sup> Zhou et al. at paragraph 59.

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teach bonding two layers or webs together using an adhesive composition, the only examples of laminated structures in the '538 reference are made by bonding a polypropylene layer to a polypropylene layer.<sup>4</sup> Also, none of the examples ultrasonically bond two layers of any type together.

As stated in M.P.E.P. §2131, a claim is anticipated only if each and every element of the claim is described in the prior art reference. As stated above, the '538 reference fails to disclose a first material and a second material that are dissimilar or non-bondable materials as defined that are ultrasonically bonded together as required by claim 1. As such, the '538 reference fails to teach each and every limitation of instant claim 1. As such, claim 1 is novel and patentable over the cited reference.

Claims 2-10, 13, 16, and 26 depend directly from claim 1. As such, claims 2-10, 13, 16, and 26 are patentable for the same reasons as claim 1 set forth above, as well as for the additional elements they require.

Claim 79 is similar to claim 1 and further requires the adhesive composition to have an open time of less than about 10 minutes. As the '538 reference fails to disclose a first material and a second material that are dissimilar or non-bondable materials and are ultrasonically bonded together, the

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<sup>4</sup> Zhou et al. at paragraph 59 and Examples 2-6. Specifically, Example 2 uses laminates comprising a NBL bonded to a NBL. Example 3 uses laminates comprising two polypropylene, spunbonded substrates together. Examples 4-5 use laminates comprising a NBL bonded to an outer cover material. Example 6 uses laminates comprising a NBL bonded to a SBL.

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'538 reference fails to teach each and every limitation of instant claim 79. As such, claim 79 is novel and patentable over the cited reference.

Claims 80-88, 91, 94, and 104 depend directly from claim 79. As such, claims 80-88, 91, 94, and 104 are patentable for the same reasons as claim 79 set forth above, as well as for the additional elements they require.

2. Rejection of Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 for Obviousness Type Double Patenting

Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-113 of co-pending U.S. Patent Application No. 10/744,332. In response thereto, Applicants have enclosed herewith a Terminal Disclaimer in accordance with 37 C.F.R. 1.130(b) and 37 C.F.R. 1.321(c) to obviate the rejection.<sup>5</sup> Accordingly, Applicants respectfully request the obviousness-type double patenting rejection be withdrawn.

3. Rejection of Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 for Obviousness Type Double Patenting

Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 have been provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over

<sup>5</sup> Under M.P.E.P. §804.02, Applicants have provided a single terminal disclaimer to overcome the provisional obviousness type

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claims 1-92 of co-pending U.S. Patent Application No. 10/743,174. In response thereto, Applicants have enclosed herewith a Terminal Disclaimer in accordance with 37 C.F.R. 1.130(b) and 37 C.F.R. 1.321(c) to obviate the rejection. Accordingly, Applicants respectfully request the obviousness-type double patenting rejection be withdrawn.

4. Rejection of Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 for Obviousness Type Double Patenting

Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-70 of U.S. Patent No. 6,774,069.<sup>6</sup> In response thereto, Applicants have enclosed herewith a Terminal Disclaimer in accordance with 37 C.F.R. 1.130(b) and 37 C.F.R. 1.321(c) to obviate the rejection. Accordingly, Applicants respectfully request the obviousness-type double patenting rejection be withdrawn.

5. Rejection of Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 for Obviousness Type Double Patenting

Claims 1-10, 13, 16, 26, 79-88, 91, 94, and 104 have been rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. 6,887,941. In response thereto, Applicants have

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double patenting rejections over co-pending U.S. Patent Application Nos. 10/743,174 and 10/744,332.

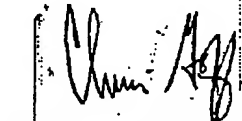
<sup>6</sup> Under M.P.E.P. §804.02, Applicants have provided a single terminal disclaimer to overcome the obviousness type double patenting rejections over U.S. Patent Nos. 6,774,069 and 6,887,941.

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enclosed herewith a Terminal Disclaimer in accordance with 37 C.F.R. 1.130(b) and 37 C.F.R. 1.321(c) to obviate the rejection. Accordingly, Applicants respectfully request the obviousness-type double patenting rejection be withdrawn.

In view of the above, Applicants respectfully request favorable reconsideration and allowance of all pending claims. The Commissioner is hereby authorized to charge any fee deficiency in connection with this Letter To Patent And Trademark Office to Deposit Account Number 19-1345 in the name of Senniger Powers.

Respectfully Submitted,



Christopher M. Goff, Reg. No. 41,785  
SENNIGER POWERS  
One Metropolitan Square, 16<sup>th</sup> Floor  
St. Louis, Missouri 63102  
314-231-5400

CMG/JMB/dhm

Via Facsimile (571)273-8300

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